IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 11.09.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
And
The Hon'ble Mr. Justice S.MANIKUMAR

Habeas Corpus Petition No.691 of 2006

Mrs.Dhanam ... Petitioner

Vs.

1. The Secretary to Government,
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.

2. The Commissioner of Police,
Greater Chennai,
Egmore, Chennai 600 008. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a writ of habeas corpus to call for the records relating to detention order No.533 of 2005, dated 30.11.2005, passed by the 2nd respondent, set aside the same, direct the respondent to produce the body of detenu Ravi @ Ravi Kumar, son of Babu, aged about 22 years, now confined in central Prison, Chennai, before court and set him at liberty.

For Petitioner : Mr.R.Krishnasamy
For Respondents : Mr.Babu Muthumeeran,
Addl. Public Prosecutor.

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(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner herein challenges the order of detention, dated 30.11.2005, detaining her son by name Ravi @ Ravikumar as 'Goonda' as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

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2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

At the foremost, learned counsel appearing for the petitioner submitted that no family member was intimated regarding the passing of detention order against the detenu. Learned Additional Public Prosecutor, by placing the records, submitted that the detention order was passed on 30.11.2005, and that, on 03.12.2005, the same was intimated to one Elumalai/paternal uncle of the detenu. Accordingly, we reject the first contention.

3. Learned counsel for the petitioner, by drawing our attention to the remand order passed by the Judicial Magistrate, Tambaram, dated 14.11.2005, submitted that the detenu was singled out and detained as Goonda, however, other co-accused were not proceeded against under the Tamil Nadu Act 14 of 1982.

4. Merely because no action was taken under Act 14 of 1982 in respect of the co-accused, the impugned order of detention cannot be faulted with. Further, in the absence of involvement or other acts in respect of those accused, this Court cannot go into the said aspect. A perusal of the grounds of detention amply shows that the Detaining Authority, after taking note of 8 adverse cases to the credit of the detenu from April, 2001 to November, 2005; his involvement in the ground case; and on going through all other details; clamped the detention order in order to maintain public peace and public order in the area in question. In such circumstances, we are unable to accept the said contention.

5. Finally, learned counsel for the petitioner submitted that adverse case Nos.4 to 8 are all foisted by the police and this aspect was not duly considered by the Detaining Authority.

6. With regard to the said contention, learned Additional Public Prosecutor, after taking us through the relevant details relating to adverse case Nos.4 to 8 submitted that in all those cases, properties, viz., gold chains, bangles, Nokia cellphone etc. were recovered and mahazars prepared are available at page Nos.33,37, 44, 51 & 68 of the Paper book supplied to the detenu. It is also brought to our notice that, in the confessional statement of the detenu, which is available at page Nos.77 and 78 of the Paper Book, wherein, the detenu himself admitted the guilt.

On going through those details, which are available in the Paper Book, we are of the view that it cannot be claimed that all those adverse cases, particularly 4 to 8, were foisted without any basis/material. Accordingly, we reject the said contention also.

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7. No other contention has been raised, HCP fails and the same is dismissed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

JI.

To

1. The Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai 600 009.

2. The Commissioner of Police, Chennai.

3. The Superintendent, Central Prison, Chennai.
(In duplicate for communication to detenu)

4. The Joint Secretary to Government,
Public (Law and Order)
Fort St. George, Chennai-9.

5. The Public Prosecutor,
High Court, Madras.

HCP No.691/2006.

GB(CO)
RVL 25.09.2006

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